

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT JACKSON, JR.,

Petitioner,

Case Number: 2:06-CV-15676
HON. NANCY G. EDMUNDS

v.

CATHERINE BAUMAN,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Six years after the Court denied Petitioner's habeas corpus petition, Petitioner filed a "Motion Pursuant to Fed. R. Civ. P. Rule 60(b)(4)" (ECF No. 37). The Court denied the motion (ECF No. 38). This matter is now before the Court on Petitioner's "Motion for Leave to Proceed on Appeal *In Forma Pauperis*" (ECF No. 40).

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]he standard governing the issuance of a certificate of appealability is more demanding than the standard for determining whether an appeal is in good faith." *U.S. v. Cahill-Masching*, 2002 WL 15701, * 3 (N.D. Ill. Jan. 4, 2002). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216

F.3d 626, 631 (7th Cir. 2000). The Court finds that a reasonable person would not suppose that the appeal has some merit.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Leave to Proceed *In Forma Pauperis* on Appeal" (ECF No. 40) is **DENIED**.

s/ Nancy G. Edmunds

NANCY G. EDMUNDS

UNITED STATES DISTRICT JUDGE

Dated: April 27, 2016